

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

YIPIT, LLC d/b/a YipitData,

Plaintiff,

-v-

ZACHARY EMMETT, ALEXANDER
PINSKY, and JOHN DOES 1-10,

Defendants.

Case No. 24 Civ. 7854 (JGK)

**DECLARATION OF BLAINE H. BORTNICK, ESQ. IN OPPOSITION TO YIPIT, LLC'S
MOTION FOR A PRELIMINARY INJUNCTION**

I, Blaine H. Bortnick, an attorney duly admitted to practice in the courts of the State of New York and the Southern District of New York, pursuant to 28 U.S.C. § 1746, declare under penalty of perjury, based on my personal knowledge, as follows:

1. I am an attorney with the law firm of Rasco Klock Perez & Nieto, LLC counsel for Defendant Alexander Pinsky (“Pinsky”). I submit this declaration in opposition to Plaintiff Yipit, LLC’s (“Yipit”) Motion for a Preliminary Injunction.

2. Attached hereto as Exhibit A is a true and correct copy of a letter from counsel for M Science to counsel for Yipit, LLC, Laura Smolowe, dated October 23, 2024, and enclosures therewith, as produced by Yipit with Bates number YIP0000240 to YIP0000244.

3. In my conversations with Laura Smolowe with respect to this matter, Ms. Smolowe told me that counsel for M Science led her to believe that counsel for M Science *also* represented Pinsky in their interactions prior to this action being filed.

4. I have reviewed the documents that Yipit has produced thus far in this action (designated “Highly Confidential”). The following names are described therein as receiving information that is the subject of this proceeding: M Science’s CEO, Michael Marrale, its Chief Revenue Officer, Valentin Roduit, its Head of Product Intelligence, Sante Faustini, as well as Shelby Yoshida, Kelley Jeffries, Stephanie van der Luft, Aaron Fuchs, and Natalie Green.

5. For example, attached hereto as Exhibit B is a true and correct copy of a text message conversation between Aaron Fuchs and Zach Emmett (but not Pinsky), dated May 29, 2024, as produced by Yipit with Bates numbers YIP0000415 to YIP0000426. Yipit designated the document HIGHLY CONFIDENTIAL.

6. Attached hereto as Exhibit C is a true and correct copy of a page from the website SecForm4.com showing the assets under management of a particular fund over time, compiled from the fund’s SEC filings. Although the information is public, the identity of the fund is redacted from the public filings in this action. Accordingly, Exhibit C is being filed under seal so as to not reveal the identity of that fund as used in other filings.

7. Given the nature of this matter, and based on my experience, it is odd that this lawsuit is receiving press interest. Given that in the article cited in the accompanying memorandum of law there is the quotation ““Yipit is making sure these guys don’t work in alt data ever again,” it would appear that this is part of a Yipit press effort.

I hereby declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York
November 22, 2024



Blaine H. Bortnick